

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOVIJO, INC., a Corporation,)
FRANKLIN FOODS, INC., a)
Corporation,) Civil Action No. 03-12
)
Plaintiffs,) Judge Arthur J. Schwab/
) Magistrate Judge Sensenich
vs.)
)
SUPERVALU, INC., a Corporation) Re: Doc. # 37
SUPERVALU HOLDINGS, INC., a)
Corporation,)
)
Defendant.)

MEMORANDUM ORDER

On January 14, 2003, this case was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation filed on November 23, 2005, recommended that Defendants' Motion for Summary Judgment be denied. The parties were allowed (10) days from the date of service to file objections. Service was made on all parties. Objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 16th day of December, 2005;

IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment be denied.

The Report and Recommendation of Magistrate Judge Sensenich, dated November 23, 2005, is adopted as the opinion of the Court.

s/Arthur J. Schwab

Arthur J. Schwab
United States District Judge

cc: Ila Jeanne Sensenich
United States Magistrate Judge

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